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SUPREME COURT OF VIRGINIA
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IN THE

SUPREME COURT OF VIRGINIA

AT RICHMOND

Record No. 760819

KEITH ANGELO SAUNDERS

APPELLEE

V.

COMMONWEALTH OF VIRGINIA

APPELLEE

JOINT APPENDIX

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COMMONWEALTH OF VIRGINIA

COUNTY OF BUCKINGHAM, to-wit:

IN THE CIRCUIT COURT OF BUCKINGHAM COUNTY

APRIL TERM, 1975

The Grand Jurors of the Commonwealth of Virginia, in and for the body of the County of Buckingham, now attending the Circuit Court of the said County, upon their oaths present that KEITH ANGELO SAUNDERS, on the 27th day of January, 1975, in the said County of Buckingham, feloniously did kill, slay and murder one Alexander S. Mottley, in violation of Section 18.1-21 of the 1950 Code of Virginia, as amended.

Witnesses:

Garnett A. Shumaker, Jr.

R. L. Webster

Donald W. Ballowe

John Edwards

JOHN R. SNODDY, JR.
Attorney and Counselor at Law
DILLWYN, VIRGINIA 23936

AFFIDAVIT FOR SEARCH WARRANT

STATE OF VIRGINIA,
COUNTY OF BUCKINGHAM, to-wit:

This day Garnett A. Shumaker, Jr., Sheriff of Buckingham County, Virginia, personally appeared before me, R. B. Spencer, Jr., General District Court Judge of said County, and made oath that he verily believes that a certain automobile located in the parking lot of P. M. Jones & Sons store at Sheppards, Virginia, at the intersection of U. S. Highway No. 15 and Virginia Secondary Highway no. 636 in Francisco Magisterial District of Buckingham County, Virginia, and described further as a 1971 Ford Maverick 4-door sedan, bearing Virginia License No. CMF-591, cream colored, bearing identification No. 1X92T194205, contains evidence relative to the abduction, robbery and murder of one ~~Alexander~~ Alec Mottley because of the following material facts constituting probable cause:

(1) That the said vehicle matches the description of the vehicle seen in the driveway of the residence of the said Alec Mottley at the time of his alleged abduction.

(2) That the said vehicle was observed by State Trooper G. R. Cyrus stuck in a ditch on Virginia Secondary Highway No. 608 within fifty feet of the location of the spot at which were found blood, drag marks, spent 22-cal. cartridges and personal effects of the said Alec Mottley, including Alec Mottley's daily sales tickets of January 27, 1975, the date of the alledged abduction, robbery and murder, within approximately one hour of the alledged abduction.

(3) That there are stains appearing to be blood on the seats, the windows, the exterior sides of said vehicle; that there are pine needles and mud similar to that of the terrain of the location hereinabove described; and that there are handprints and fingerprints on the interior of the windows of said vehicle, all of the above described items being visible to the eye upon plain view from the exterior of said vehicle in said parking lot.

The articles to be searched for under the warrant are:

(a) a 22 cal. weapon, 22 cal- cartridges, and 22 cal. projectiles.

(b) Cash, currency, coins and checks payable to Alec Mottley or Moore's Distributing Co. of Farmville, Va.

(c) Cleated sole, ridge sole and crepe sole shoes or boots.

(d) Blood stained clothing.

(e) Chevrolet truck keys, dark horned rim glasses and glasses case, the billfold of Alec Mottley and other personal and business effects of Alec Mottley.

(f) Human bloodstains, human hair, human fingerprints, red, brown or green thread and cloth and clothing.

(g) Pine needles, mud and mud tracks;

beacuse he believes the above items to be related to the abduction, robbery and murder of said Alec Mottley based upon probable cause as hereinabove set forth; and further made oath that he has reasonable cause for such belief.

Given under my hand this 28th. day of January, 1975.

Robert B. Spencer Jr. Judge

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AFFIDAVIT FOR SEARCH WARRANT

STATE OF VIRGINIA,
COUNTY OF BUCKINGHAM, to-wit:

This day Garnett A. Shumaker, Jr., Sheriff of Buckingham County, Virginia, personally appeared before me, R. B. Spencer, Jr., General District Court Judge of said County, and made oath that he verily believes that a certain dwelling house and outbuildings appurtenant thereto, located in Francisco Magisterial District of Buckingham County, Virginia, approximately one-fourth of a mile west of the intersection of Virginia Secondary Highway No. 636 and Virginia Secondary Highway No. 603 belonging to the Estate of John Calvin Saunders and in the possession of Mary Jones Saunders, widow of the said John Calvin Saunders, situated about 100 feet from the southern margin of Virginia Secondary Highway No. 636 and described further as being a one story frame dwelling, being green in color; a one story frame garage building about 50 feet south of said dwelling and an outdoor privy about fifty feet southwest of said dwelling, contains evidence relative to the abduction, robbery and murder of one Alec Mottley because of the following material facts constituting probable cause:

(1) That said dwelling and outbuildings are the residence of one Keith Angelo Saunders as admitted by said Keith Angelo Saunders on January 28, 1975 to the affiant.

(2) That said Keith Angelo Saunders was seen by Trooper G. R. Cyrus at a location within fifty feet of the spot at which were found blood, drag marks, spent 22 cal. cartridges and the personal and business effects of said Alec Mottley, including Alec Mottley's daily sales tickets of January 27, 1975; said Alec Mottley having been abducted, robbed and murdered on January 27, 1975 at approximately 7:30 P. M. - 8:30 P.M.; said Keith Angelo Saunders having been seen by the said Trooper G. R. Cyrus at the hereinabove described location at approximately 8:15 P.M. on January 27, 1975, within one hour of the alledged abduction.

(3) That said Keith Angelo Saunders having told the affiant that he was in the vicinity of Alec Mottley's dwelling at the approximate time of the alledged abduction; that he was driving a certain 1971 cream colored, 4-door, Ford Maverick sedan, Virginia Lieense No. CMF-591, in the vicinity of the hereinabove described location and that said vehicle did become stuck in a ditch at the above described location; that said behicle has been impounded as evidence in this investigation because it contains blood and other evidence.

The articles to be searched for under the warrant are:

(a) a 22 cal. weapon, 22 cal. cartridges and 22 cal. projectiles.

(b) Cash, currency, coins and checks payable to Alec Mottley or Moore's Distributing Co. of Farmville, Va.

(c) Cleated sole, ridge sole and crepe sole shoes or boots.

(d) Blood stained clothing.

(e) chevrolet truck keys, dark harned rimed glasses and glasses case, the billfold of Alec Mottley and other personal and business effects of Alec Mottley.

because he believes the above items to be related to the abduction, robbery and murder of said Alec Mottley based upon probable cause as hereinabove set forth; and further made oath that he has reasonable cause for such belief.

Given under my hand this 28th. day of January, 1975.

_____ (SEAL)
Judge, General District Court

SEPTEMBER 18, 1975:

BY JUDGE ABBITT:

All right, gentlemen, you all may proceed.

BY MR. LATNEY:

If it please the Court, this is a motion to suppress that was filed on behalf of the defendant and we only had one witness that we would like to call with regard to evidence in support of this motion. This motion is based on certain searches that were made of the premises of the defendant on 1-28-75 and 1-31-75. The search on 1-28 being the house and outhouses and the search on 1-31-75 being the same and also on 1-28 the search of the automobile belonging to the defendant.

BY JUDGE ABBITT:

All right, sir.

BY MR. LATNEY:

The only witness we will call will be Sheriff Shumaker.

BY JUDGE ABBITT:

All right.

SHERIFF GARNETT A. SHUMAKER, JR., having been first duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. LATNEY:

Q. Will you state your name for the record, please?

A. Garnett A. Shumaker, Jr.

Q. And,Mr. Shumaker, what is your employment, sir?

A. Sheriff of Buckingham County.

Q. Now, did you investigate the murder of Mr. Mottley?

A. Yes, sir, I did.

Q. And when did your investigation begin?

A. Approximately 11:00 P. M. on the night of January 27, 1975.

Q. Was an arrest made in this case?

A. Yes it was.

Q. What is the date of the arrest?

A. January 28th, 1975.

Q. Now, did you subsequently obtain a search warrant for the premises belonging to the defendant?

A. I secrued a search warrant for the premises of the defendant before an arrest was made, yes, sir.

Q. Before the arrest was made?

A. Yes, sir.

Q. When did you obtain the first search warrant?

A. I went to the judge's office in Buckingham and applied for both search warrants on January 28th, 1975, approximately two-thirty or quarter to three. Somewhere in that area. I don't recall the exact time and I don't have my notes.

Q. Okay. Do you recall what the search warrants were for?

A. Yes. The search warrants which were secured were for a 1971 cream colored Ford Maverick and for the dwelling house or residence of Keith Saunders.

Q. Now, I believe you have in your hand a search warrant, an Affidavit for a Search Warrant for the car, is that correct?

A. Yes, sir, I do.

Q. Now, would you read paragraph one?

A. That the said vehicle matches the description of the vehicle seen in the driveway of the residence of the said Alec Mottley at the time of his alleged abduction.

Q. Now, let me ask you this, Sheriff. Did you see this vehicle in the driveway of Mr. Mottley at anytime?

A. No, sir, I did not.

Q. So this was based on information that you received from someone else, is that correct?

A. Based on a witness, yes, sir.

Q. Now, is that witness's name or the person whom you received this information from mentioned anywhere in the affidavit?

A. No, sir, it is not.

Q. Was this informant a reliable informant or was he an informant?

A. No, he was not an informant.

Q. Read paragraph two.

A. That the said vehicle was observed by State Trooper G. R. Cyrus stuck in a ditch on Virginia Secondary Highway No. 608 within fifty feet of the location of the spot at which were found blood, drag marks, spent 22- Cal. cartridges and personal effects of the said Alec Mottley, including Alec Mottley's daily sales tickets of January 27, 1975, the date of the alleged abduction, robbery and murder, within approximately one hour of the alleged abduction.

Q. Now, at the time that you went before the Judge, Sheriff, did you know that Mr. Mottley had been killed by a 22 caliber weapon?

A. Yes, sir, I did.

Q. You did?

A. Yes.

Q. Is that anywhere in the affidavit?

A. No, sir, it is not.

Q. Now, read the articles to be searched for b and c.

A. Cash, currency, coins and checks payable to Alec Mottley or Moore's Distributing Company of Farvmille, Virginia. (c) Cleated sole, ridge sole and crepe sole shoes or boots.

Q. Now, at the time you went before the Judge to obtain this search warrant did you know whether or not Mr. Mottley had on cleate sole, ridge sole and crepe cole shoes or boots?

A. At the time I went for it did I know if he had these type on?

Q. Yes, sir.

A. I knew he had on a type of boot. I'm not that familiar whether it was cleate sole or not.

Q. Did you see him that day?

A. No, sir, I did not.

Q. So this was based on information you received?

A. I saw Mr. Mottley that day but he did not have the boots on when I saw the body.

Q. What about (b); cash, currency, coins and checks payable to Alec Mottley or Moore's Distributing Company of Farmville?

A. He did not have these on him either.

Q. These were items to be searched for, is that correct?

A. That is correct.

Q. Now, did you know whether or not he had these things in his possession on that day?

A. The day that he was abducted these things would have been in his possession as he was coming off his route.

Q. How would you have known that?

A. I checked with his employee.

Q. So this was information you received from someone else, is that correct?

A. That's correct.

Q. Is that mentioned anywhere within the forementioned affidavit?

A. No, it's not.

Q. Read (e) under the articles to be searched for.

A. (e) Chevrolet truck keys, dark horned rim glasses and glasses case, the billfold of Alec Mottley and other personal and business effects of Alec Mottley.

Q. Now, did you know that he was driving a chevrolet truck the day he was abducted?

A. Yes, sir.

Q. Your own personal knowledge?

A. His truck that he always drives was in the shop and he had this chevrolet truck that I had investigated and found he was driving that day when he left on his route.

Q. So this was based on information that you received

from someone else, is that correct?

A. This was based on information which I obtained in my investigation.

Q. Did you obtain this information from a member--from a car dealer or body shop?

A. This was obtained from the Company for whom he drove the truck and I saw the truck setting in the yard. It was a chevrolet truck.

Q. Now, in your affidavit you read that you were searching for dark horned rim glasses and a glasses case?

A. Yes.

Q. Did he have on dark rim glasses on that day or are these glasses that he usually wears?

A. He usually wears dark horned rim glasses.

Q. Read (f) under the same section.

A. (f) Human bloodstains, human hair, human fingerprints, red, brown or green thread and cloth and clothing.

Q. Now, at the time that you obtained this search warrant had you impounded the car?

A. Had I impounded the car?

Q. Yes, sir. Had the car been impounded?

A. The car was parked on the parking lot at the time I obtained the search warrant.

Q. And what parking lot are you speaking of?

A. P. M. Jones's store at intersection 636 and 15.

Q. Did you have any reason to believe that human bloodstains or human hair or human fingerprints would be found in the car?

A. Yes, I did.

Q. And what information did you have?

A. From a visible examination of the car.

Q. And from your visible examination of the car, Sheriff, what did you see?

A. I could see what appeared to be bloodstains on the seat of the car and the window and it appeared to be blood on the exterior of the car and there was mud, pine needles and so forth in the back floorboard of the car which appeared to be the same as that at a scene of an accident I had been to. Also, there were palm prints and fingerprints smudges on the glass that could be seen and they appeared to be on the inside.

Q. At that time you did not know whose fingerprints or whose palmprints they could have been, is that correct?

A. No, sir, I did not.

Q. Now, what kind of mud was it, clay?

A. Just the regular mud type. Kind of reddish-gray mixed together. That's kind of hard to describe.

Q. Is it something which is common in this area that you would find most anywhere?

A. Not most anywhere, no, sir.

Q. Is there a certain locality in which you would find this type of clay rather than some other place?

A. This clay appeared to be of the same characteristics and color as where the road had been, had just been dragged at the scene of an accident.

Q. Okay. Now, at the same time, Sheriff, I believe you obtained a search warrant for the home, is that correct?

A. Yes, I did.

Q. Now, would you read the first paragraph into the record, please?

A. This day Garnett A. Shumaker, Jr., ~~Jr.~~, Sheriff of Buckingham County, Virginia, personally appeared before me, R. B. Spencer, Jr., General District Court Judge of said County, and made oath that he verily believes that a certain dwelling house and outbuildings appurtenant thereto, located in Francisco Magisterial District of Buckingham County, Virginia, approximately one-fourth of a mile west of the intersection of Virginia Secondary Highway No. 636 and Virginia Secondary Highway No. 603 belonging to the Estate of John Calvin Saunders and in the possession of Mary Jones Saunders, widow of the said John Calvin Saunders, situated about 100 feet from the southern margin of Virginia Secondary Highway No. 636 and described further as being a one story frame dwelling, being green in color; a one

story frame garage building about 50 feet south of said dwelling and an outdoor privy about fifty feet southwest of said dwelling, contains evidence relative to the abduction, robbery and murder of one Alec Mottley because of the following material facts constituting probable cause.

Q. Now, when was this search warrant executed?

A. I don't have a note of the time but it was approximately five-forty-five, I would say, or six o'clock I would say.

Q. Did you execute it personally, Sheriff?

A. Deputy Sheriff Ballowe read the search warrant.

Q. You were with him?

A. I was there at the time.

Q. What building did you search at that time?

A. While I was there the only thing that was searched was Mr. Saunders' room, and I think probably one other hall or something was searched.

Q. Now, were any outdoor houses searched that day?

A. They were searched but not while I was there.

Q. You weren't present when they were searched?

A. No, sir, I was not.

Q. Now, I believe on January 31st you obtained another search warrant, is that correct?

A. Yes, sir, I did.

Q. What was this search warrant for?

all 30 names in the hat.

BY MR. BOOKER:

All right.

NOTE: At this point Mr. Booker counts the names in the hat.

BY MR. BOOKER:

We have all 30 names in there, Judge.

BY JUDGE ABBITT: (Drawing from the hat).

Sheriff, will you call in Clarence J. Davis; Tom O. Fitzgerald; E. D. Palmer, Jr.; Earl H. Griffin, Jr.; Reid Ragland; John M. Banton; Joe Nathan Chambers, Jr.; Frank Tapscott; Aubrey Holman; Marvin Dunkum; Allen Gooden; Sherman Harper; Gertrude Kyle; Clyde P. Beasley; Willie C. Heath; Russell N. Ragland; Verlin Hartley; Stella B. Spencer; Kenneth L. Jones and Ruby Davis Walton.

Will all of you but the first five I called go in the jury room? All go except Clarence J. Davis; Tom O. Fitzgerald; E. D. Palmer, Jr.; Earl H. Griffin, Jr. and Reid Ragland.

All except those five names go to the jury room if you will.

NOTE: The remaining fifteen members of the panel retire to the jury

BY MR. PALMER:

I read it in the paper and I knew Mr. Mottley. Like I said he was a good friend of mine. That's the reason I ask to be excused.

BY MR. GEARY:

Have you formed any opinion as to who might have done this?

BY MR. PALMER:

No, sir.

BY MR. GEARY:

Mr. Griffin, have you talked to people about this case?

BY MR. GRIFFIN:

No, sir, not anything. I don't think you can form an opinion until after you hear the evidence on the case, so I haven't no way shape or form. I don't know anything, I mean, no more than when it first happened. I mean everybody heard about it and that's all. I just saw Mr. Mottley on the bread truck and I also saw that boy on the bread truck with him. I think I've seen him with Mr. Mottley if I'm not mistaken. So neither way, I mean, I haven't ---

NOTE: At this point the attorneys strike.

BY MR. BOOKER:

Will the names I call please stand aside?

Clarence J. Davis; Tom O. Fitzgerald; Earl H. Griffin, Jr.; Reid Ragland; Aubrey Holman; Allen Gooden; Gertrude Kyle; Stella Spencer.

BY JUDGE ABBITT:

Is that eight?

Now, the rest of you may take your seat in the jury box.

Call their names, Mr. Booker, to make sure we have the right jurors in the box.

BY MR. BOOKER:

E. D. Palmer, Jr,; John M. Banton; Joe Nathan Chambers, Jr.; Marvin Dunkum; Sherman Harper; Clyde P. Beasley; Willie C. Heath; Russell Ragland; Verlin Hartley; Ruby D. Walton; E. N. Grigg, Jr.; and Joseph L. Boley.

BY JUDGE ABBITT:

All right, go ahead and swear them.

BY MR. BOOKER:

Do you and each of you swear to well and truly try the

outdoor privy - and they pull up again and here is a wallet. Of course, it wasn't a pretty thing to behold at that time, but they open it up and see Alexander Sidney Mottley. All of his driver's license for several times. He didn't clean it out and get rid of one when another came in. His mess pass down at Cherry Point, North Carolina, from the Navy. He served in the Navy. And in the back, checks. Checks dated that very day. The 27th day of January, 1975. They had been given to him on his route that day. Checks to the Moore Distributing Company and checks he had cashed for people that day. They had checked back and found they had been given to him that day. So they take all of these things and they, of course, are taken as evidence. All of this stuff is sent down there. I might say at this time, Mr. Mottley weighed 140 pounds. You can see the defendant there. He weighs a 190 pounds. He knew Mr. Mottley and Mr. Mottley knew him. He had worked on the truck. He knew the routine. He knew what Mr. Mottley would do when he got home because he did the same thing everyday. He got out of the front part and went back and checked the back and checked the doors, but he didn't get to lock them this time. He didn't get to lock them all. He wouldn't have just left if somebody had called him. Now, as I told you, these things have been sent down to the laboratory. Mrs. Mary Jane Burton will explain to you

A. Janie Mae Newton.

Q. Where do you live, Mrs. Newton?

A. I live at Willis Mountain.

Q. What do you do there?

A. I have a store and a trailer court.

Q. Have you ever seen the defendant here?

A. Yes, sir.

Q. Where did you see him?

A. Well, he was on the bread truck with Mr. Mottley. I guess it was during the summer months he was with him, and sometimes on week-ends.

Q. And that was last year, not this year?

A. Yes, sir, last summer.

Q. 1974?

A. Yes, sir.

Q. Mr. Mottley brought bread to your place?

A. Pardon.

Q. Did Mr. Mottley bring bread to your place?

A. Yes, sir, for 22 years and maybe 23.

MR. SNODDY: Witness with you.

CROSS EXAMINATION

BY MR. LATNEY:

Q. Now, Mrs. Newton, you testified that you had seen this man on the bread truck with Mr. Mottley, is that correct?

A. Yes, sir.

Q. And you are sure it was this man and not somebody else?

A. I'm positive.

MR. LATNEY: That's all.

MR. SNODDY: That's all, Mrs. Newton. You may go.

The witness stands aside.

MR. SNODDY: Deputy Sheriff Davis.

DEPUTY SHERIFF J. M. DAVIS, having been first duly sworn testifies as follows:

DIRECT EXAMINATION

Q. Now, who else uses that privy out there besides your family?

A. That's all.

Q. That's all?

A. Yes, sir.

Q. Well, how do you reckon Mr. Mottley's stuff got in there?

A. I couldn't tell you.

Q. And you also heard Mrs. Newton sit here and say she had seen you on the truck with him?

A. Yes, sir.

Q. Is that a lie, too?

A. Yes, sir, I ain't never been on that truck. You can check the records and see the people who has been working for him.

Q. Didn't you hear one of the jurors say they had seen you on there?

A. Juror?

Q. One of the jurors, when they were questioning the jurors ----

MR. GEARY: Objection, Your Honor.

Q. You heard it.

MR. GEARY: Your Honor.

JUDGE ABBITT: Maybe we had better let the jury go out.

NOTE: The jury retires to the jury room.

MR. GEARY: Judge, that conversation that Mr. Snoddy is talking about, I believe took place on the first voir dire. I don't think it's proper.

JUDGE ABBITT: I don't think so. I think any reference to the jury could very well be reversible error. If they know anything about this case they should not be serving.

MR. SNODDY: Well, one of them stated that.

MR. GEARY: Well, my objection is the question Mr. Snoddy put to him that a juror stated that because the other jurors didn't hear that.

JUDGE ABBITT: If some of the jurors know something

the others don't, why, that's bad.

MR. GEARY: I would move at this time for a mistrial, Your Honor. I don't think there is any way to clear that out of the jury's mind.

MR. SNODDY: I think it is.

MR. GEARY: I don't think an instruction to disregard it is going to help.

MR. SNODDY: I just remembered him saying it.

JUDGE ABBITT: Well, the best I can do is to instruct the jury to disregard it. We are right in the shadow of a reversible error.

MR. GEARY: Please not my exception to Your Honor's ruling.

JUDGE ABBITT: I understand. There is no way I can clear it up except to just ask them to disregard the question.

MR. GEARY: Your Honor, as I indicated, I don't think that will really be sufficient.

MR. SNODDY: I ask your Honor to do that.

JUDGE ABBITT: Do what?

MR. SNODDY: To ask them to disregard it.

JUDGE ABBITT: That's all I can do. Bring the jury back in.

NOTE: The jury returns.

JUDGE ABBITT: Members of the Jury, a question was ask Mr. Saunders in reference to some question that was ask one group of the jurors. Can you all disregard that question completely when you get to the point of reaching a verdict in this case?

NOTE: All the jurors nodded their heads in the affirmative.

JUDGE ABBITT: Did you nod your head Mr. Alternate Juror?

MR. CARRETT: Yes, sir.

JUDGE ABBITT: All of them have nodded their head that they can completely disregard the question. The questions was not answered. Go ahead, Mr. Snoddy.

Q. You say you locked the house up when you went hunting?

A. Yes, sir.

Q. And it was not unlocked until you got back?

A. No, sir.

Q. How do you reckon anybody got in there to put the blood and so forth in your room?

A. I didn't say nobody put nothing in there. Have you ever thought anybody could have put it on there after they took that sheet.

Q. Well, there was blood on the sheet when they took it?

A. I didn't see none.

Q. Did you see it on your shoe?

A. No, I didn't see none on my shoe.

Q. Did you see it on your rain suit?

A. Yes, blood was on my rain suit.

Q. And you didn't see any anywhere else?

A. No, sir.

JUDGE ABBITT: Is that all you all want to ask him?

MR. GEARY: Yes, sir.

JUDGE ABBITT: You may take your seat, Mr. Saunders.

The witness stands aside.

MR. GEARY: Call Troy Coleman.

JUDGE ABBITT: While he's coming let me instruct the jury the best I can. A moment ago some reference was made to a juror. I'll ask you can each of you, all thirteen of you, assure me that you can try this case and can arrive at a verdict based solely upon the evidence that has come from that witness stand and the instructions of the court? Can each one of you try this case and not consider anything whatsoever that you might have known or heard anywhere at anytime. I ask each one of you

JUDGE ABBITT: Can you Mr. John M. Garrett, the alternate, if you are required to serve?

MR. GARRETT: Yes, sir.

JUDGE ABBITT: All right, each juror has assured me that they can try this case solely upon the evidence that comes from that witness stand and not consider anything that might have been referred to prior to the beginning of this trial.

All right, gentlemen.

MR. TROY COLEMAN, having been first duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. GEARY:

Q. Will you state your name, please?

A. Troy Coleman.

Q. Where do you live, Mr. Coleman?

A. On 636.

At a Circuit Court held for Buckingham County at the Cumberland County Courthouse on Monday, March 1, 1976, Sitting as a Court of Law.

PRESENT: Hon. George Abbitt, Jr., JUDGE

COMMONWEALTH

v. Felony - Murder

KEITH ANGELO SAUNDERS (7-10-55)

This day appeared the defendant by counsel and in his own proper person, and the Commonwealth's Attorney for formal sentencing of defendant who was tried by a jury and given life in the Virginia State Penitentiary for murder in the first degree. Therefore, the Court doth sentence the defendant to life imprisonment in the Virginia State Penitentiary.

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George Abbitt, Jr. Judge

A Copy-

Teste: Ruth E. Crute CLERK

Law Order Book No. 10, P. 50

#93

VIRGINIA:
IN THE CIRCUIT COURT OF BUCKINGHAM COUNTY

KEITH A. SAUNDERS,
APPELLANT

V.

COMMONWEALTH OF VIRGINIA,
APPELLEE

NOTICE OF APPEAL AND
ASSIGNMENTS OF ERROR

Comes now, Keith A. Saunders, by counsel, and hereby gives notice of his appeal of the final judgment of this Court entered on March 1, 1976, which judgment was based on a jury verdict of first degree murder.

ASSIGNMENTS OF ERROR

Keith A. Saunders files as his assignments of error the following:

1. That trial court erred in denying his motion to suppress certain items later admitted into evidence seized from his automobile and residence.

2. The trial court erred when it denied his motion to conduct individual voir dire of perspective jurors.

3. The trial court erred when it denied his motion for mistrial after the Commonwealth's Attorney on cross-examination of him revealed to the jury that one of the struck jurymen had stated that he had seen the defendant working for the victim.

A transcript of the proceeding will be filed within 60 days of the final judgment.

KEITH A. SAUNDERS

BY_____
COUNSEL

ROBERT P. GEARY
4 South Holly Avenue
Highland Springs, Virginia 23075

HARVEY LATNEY, JR.
14 West Leigh Street
Richmond, Virginia 23220

CERTIFICATE

I hereby certify that a true copy of the foregoing Notice of Appeal and Assignments of Error was mailed to J. R. Snoddy, Esquire, Commonwealth's Attorney for Buckingham County, Dillwyn, Virginia 23936, this 24th day of March, 1976.

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